

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|-------------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 8:06CR252 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | MEMORANDUM |
| |) | AND ORDER |
| |) | |
| RICARDO NAVARRETE-NAVARRETE, |) | |
| |) | |
| Defendant. |) | |

This matter is before the Court on the Defendant's affidavit, considered as a motion for leave to proceed in forma pauperis on appeal (Filing No. 122).

Federal Rule of Appellate Procedure 24(a)(1) requires that the Defendant's motion for leave to proceed on appeal in forma pauperis show "in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or give security for fees and costs." In his motion, the Defendant only states that he is "presently incarcerated and insolvent and without the funds to pay the costs of [his] appeal, or an attorney." The Defendant has been represented in this Court by two retained attorneys. The motion will be denied because the Defendant has failed to satisfy the requirements of Rule 24(a)(1). Fed. R. App. 24(a)(2) (providing that if the Court denies a motion for leave to proceed on appeal in forma [pauperis], it must "state its reasons in writing").

IT IS ORDERED that the Defendant's affidavit, considered as a motion to proceed in forma pauperis on appeal (Filing No. 122), is denied.

DATED this 5th day of June, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge